THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.20777 OF 1997

Between :

Abdul Rasheed Khan

… Petitioner

And

The Director of School Education, Government of AP, Hyderabad,
and others

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.20777 OF 1997

ORAL ORDER

A breezy writ petition is filed seeking a direction to the 3rd respondent as under:

> *"… to prepare and forward Family Pension Papers of deceased Smt.Taherunnisa Begum in favour of the petitioner herein to the respondents No.1 and 2 and further direct the respondents No.1 and 2 herein to arrange for payment of arrears of Pension and other allied benefits which are due and payable with effect from 19-03-1995 till to-date along with interest at bank rate and continue to pay a family pension to the petitioner herein."*

The petitioner claims to be the husband of one Smt.Teherunnisa Begum who worked as Senior Assistant in the 3rd respondent-School, a grant-in-aid institution. The petitioner's husband is claimed to have worked in grant-in-aid

post as Senior Assistant and to have expired on 19-03-1995 while in service. The petitioner claimed to a sole legal heir entitled to the pensionary and other allied benefits on his wife service. The petitioner claimed that Sri Teherunnisa Begum had put in 20 years of service in the 3rd respondent-School.

The petitioner requested the 3rd respondent to issue him a service certificate to enable him to claim pensionary benefits. The 3rd respondent by the letter dated.22-06-195 declined grant of service certificate unless a legal heir certificate is produced. The 3rd respondent also informed the petitioner by another letter dated.07-08-1995 that the 3rd respondent has no information about the petitioner being the husband or about his nomination to any of the benefits of later Teherunnisa Begum. The petitioner thereafter submitted a legal heir certificate issued by the Mandal Revenue Officer, Golconda. He also submitted a marriage certificate issued by the Wakf Board and a death certificate issued by the Municipal Corporation of Hyderabad. However, the 3rd respondent did not process the pensionary benefits o the petitioner, is the complaint. After an intervention by the Lok Ayukta who disposed of the petitioner's complaint on 20-11-1996, the 3rd respondent by letter dated.28-02-1997 informed the petitioner that he is not agreeable to forward the pension papers in favour of the petitioner as there was no information with regard to the petitioner's marriage or his nomination in respect of the benefits payable on the death of Smt. Teherunnisa Begum. After a legal notice and several representations the petitioner has filed this writ petition.

In the entirety of the writ petition the petitioner does not plead any fact which either asserts or establishes that Smt. Teherunnisa Begum was entitled to pension on account of her

service in the 3rd respondent-institution in an aided post as Senior Assistant. The petitioner also fails to establish the right of the Mandal Revenue Officer to issue a legal heir certificate. The petitioner's entitlement to the estate and assets of or declaration as a legal heir of late Smt. Teherunnisa Begum could be formally declared only by a Succession Certificate issued by the Court of competent jurisdiction and not by revenue official. It is not shown that any legal heir certificate issuing authority is conferred on the MRO under any law.

In the circumstances the specific relief claimed by the petitioner cannot be granted. The writ petition is accordingly dismissed. It is open to the petitioner to pursue appropriate remedies in accordance with law. In the circumstances there shall be no order as to costs.

Dt: 21.03.2007 ----------

Tsnr/pvsn Justice G. Raghuram